



**ANN HRAYCHUCK**  
STATE REPRESENTATIVE

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**Testimony of Rep. Ann Hraychuck  
Before the Assembly Committee on Criminal Justice  
Regarding Assembly Bill 713**

For a police officer, a routine traffic stop can turn into a deadly force situation in a heartbeat. Individuals who are determined to harm an officer do not care whether the officer works for the state, county, village, or tribal police departments. And they certainly do not care whether that officer's police department has a mutual aid agreement with another police department. What individuals do know is that if an officer calls for help, other officers will come at the speed of heat to assist their fellow officer.

On October 1, 2008, Attorney General J.B. Van Hollen issued a formal opinion asserting that the mutual assistance statute does not apply to tribal law enforcement agencies (OAG 8-08.) This opinion resulted in the termination of numerous instances of cooperation between county law enforcement and tribal law enforcement.

Because the partnership between these entities is particularly important in rural areas of the state where services are often limited to begin with, it became necessary to involve the Legislature in forming a solution. AB 713 is the result of a great deal of work by the Legislative Council State-Tribal Relations Committee, in consultation with tribal law enforcement and county sheriffs.

This bill redefines "law enforcement agency" in Wisconsin to include tribal law enforcement agencies. It also treats the matters of costs and liability in cases of assistance between a tribal agency and a non-tribal agency in the same manner that current law treats those matters.

For example, if a Polk County Deputy makes a traffic stop near the reservation and the driver suddenly becomes combative and starts fighting with the deputy, the deputy can call for assistance from whomever is closest to his or her location, which would most likely be a tribal officer. In this scenario, Polk County assumes the costs and any civil liability for the assisting tribal officer. Under this bill, the same can be true when the situation is reversed.

Assembly Bill 713 ensures that a tribe is responsible for the costs when it requests assistance from a non-tribal law enforcement agency. This bill only allows a non-tribal agency, like the Polk County Sheriff's Department, to respond to a request for assistance from a tribal agency, like the St. Croix Tribal Police Department, at a location outside the non-tribal agency's jurisdiction if ONE of the following conditions is met:

- 1) The tribe has adopted a resolution waiving its sovereign immunity which would allow enforcement of this responsibility in state courts.

- 2) The tribe maintains insurance to cover these costs up to specified limits.
- 3) The tribal and non-tribal agencies have an agreement in place in which the non-tribal agency agrees to accept responsibility for these costs.

It is our responsibility as legislators to provide law enforcement with the necessary tools to protect the public and at the same time increase their chances of going home to their families at the end of their shift. This bill does both. Thank you Chair Turner and committee members for hearing this important public safety bill.